

1 Resolution of All Outstanding Matters." And it  
2 is six pages long. You don't have to read it; I  
3 would just like you to scan it to get an idea of  
4 what it is.

5 A. Okay.

6 Q. Have you ever seen this document  
7 before?

8 A. No.

9 Q. Did you have any knowledge that it  
10 even existed?

11 A. No.

12 Q. Okay. The next document I am going to  
13 place before you is something from the State of  
14 Vermont Public Service Board, and it is eight  
15 pages long. Again, if you could, just scan it.

16 A. Okay.

17 Q. Have you ever seen this document  
18 before?

19 A. No.

20 Q. Were you aware that such a document  
21 even existed?

1 A. No.

2 Q. All right. The next document I am  
3 placing before you is a three-page letter, dated  
4 November 19, 2002, and addressed to Mr. William  
5 Brzycki.

6 A. Okay.

7 Q. Have you ever seen this letter before?

8 A. No.

9 Q. Is it the case that by the date of  
10 this letter, Mr. Brzycki had left the employ of  
11 Buzz Telecom or Business Options?

12 A. I don't remember when he left.

13 Q. Approximately when, to your  
14 recollection, did he leave?

15 A. I think approximately it was before  
16 November, maybe October, I am thinking. I don't  
17 remember.

18 Q. Was there any relationship between Mr.  
19 Brzycki's departure and Ms. Dennie's and Ms.  
20 Green's appearances at Buzz Telecom?

21 A. They were hired in, I don't know how

1 far in advance, but he was to train them. It was  
2 a week, at the most, I think.

3 Q. Do you know whether or not any such  
4 training was given?

5 A. I don't know the extent of it, no, if  
6 any.

7 Q. But there was some plan that some  
8 training was supposed to be given?

9 A. Right. And like I said, I don't know  
10 the extent of it.

11 Q. The next document I am going to show  
12 you is Section 63.71 application. And following  
13 that there is a document titled, "Request for  
14 Waiver." They were dated December 20, 2002; both  
15 were signed by, it appears, Lisa Green; and they  
16 were filed at the Federal Communications  
17 Commission on December 27, 2002.

18 A. Okay.

19 Q. Have you ever seen either of these two  
20 documents before?

21 A. No.

1 Q. Do you recall discussing with anyone  
2 how the Section 63.71 application came to be  
3 prepared?

4 A. No.

5 Q. Likewise, did you have any discussion  
6 with anyone as to how the request for waiver came  
7 to be prepared?

8 A. No.

9 Q. The next document I want to show you  
10 is a letter dated November 1, 2002. It's  
11 addressed to the legal department at Business  
12 Options, Inc. It's a six-page letter with two  
13 pages of attachments. And after you look at it,  
14 my question is similar to all the others; and  
15 that whether you were aware that this letter  
16 existed.

17 A. No, I have never seen this before.

18 Q. Now, with respect to the names that  
19 appear on the last two pages, could you take a  
20 look at those names and see whether any of them  
21 ring a bell?

1           A.     No.  No, they don't.

2           Q.     Was there ever a time that you were  
3 asked to prepare information about customers who  
4 allegedly had been slammed?

5           A.     I remember pulling some verification  
6 tapes for some customers, but I couldn't tell you  
7 what their names were.  They were on a sheet.  
8 They said, "Pull out the verification tapes."  We  
9 did.  We looked them up on-line in our database  
10 to find out who had verified them -- the name,  
11 the date.  It was written down, and the tapes  
12 were sent to corporate affairs, who was asking  
13 for them.

14          Q.     Approximately how long ago did that  
15 occur?

16          A.     That was pretty recent.  Maybe not  
17 over three months ago.  I don't know when.

18          Q.     In all likelihood, though, within the  
19 last three months?

20          A.     Yes.

21          Q.     Certainly it wasn't last Christmas?

1 A. No.

2 Q. Or last Thanksgiving?

3 A. No.

4 Q. The next document I am going to show  
5 you is a letter December 9, 2002. It appears to  
6 be signed by Shannon Dennie. And with  
7 attachments, it totals nine pages.

8 A. Okay.

9 Q. Now, to perhaps help with the  
10 questions that I am about to ask, I am going to  
11 hand you back the letter dated November 1, 2002  
12 from the Federal Communications Commission.

13 A. All right.

14 Q. My first question, in terms of the  
15 December 9 letter, is, first of all, were you  
16 aware that such a letter had been prepared and  
17 sent to the Federal Communications Commission?

18 A. No.

19 Q. Did you have any knowledge that such a  
20 letter was sent in response to an inquiry from  
21 the Commission, dated November 1, 2002?

1           A.       No.

2           Q.       Do you have any recollection as to  
3 whether you were asked to provide any information  
4 to respond to the Federal Communications  
5 Commission?

6           A.       No.

7           Q.       Would it be your recollection and  
8 understanding, then, that you had no role  
9 whatsoever in terms of preparing information for  
10 this December 9, 2002 letter sent to the  
11 Commission?

12          A.       No, I didn't have any role.

13          Q.       Do you have any knowledge as to what  
14 is ordinarily placed on a customer's bill in  
15 terms of Business Options products or services?

16          A.       Their usage, their call records, and  
17 any service fees.

18          Q.       What service fees are ordinarily  
19 imposed?

20          A.       The monthly service fee and carrier  
21 recovery fee.

1 Q. What is a carrier recovery fee?

2 A. That's usually -- it's to help us with  
3 our administrative costs.

4 Q. That carrier recovery fee is a  
5 separate charge from the monthly --

6 A. From the monthly service fee, yes.

7 Q. Are you aware of a fee that is imposed  
8 with respect to universal service?

9 A. Yes.

10 Q. Is that fee the same as the carrier  
11 recovery fee, or is that something different?

12 A. That's different.

13 Q. And do you know what that fee  
14 ordinarily is?

15 A. Which one?

16 Q. The universal service fee.

17 A. That is usually 9.1 percent of usage.

18 Q. Was there a time when the fee differed  
19 from that percentage?

20 A. Yes.

21 Q. And approximately when was that?



1           A.       Approximately three to four months  
2       ago.

3           Q.       And do you know what it was before it  
4       was the 9.1 percent?

5           A.       It was a flat fee, depending on what  
6       rate plan the customer belonged to.

7           Q.       Do you know what happened to the  
8       universal service funds that were collected  
9       pursuant to these charges that imposed on  
10      customers?

11          A.       No.

12          Q.       Do you have any knowledge as to who  
13      would know?

14          A.       No.

15          Q.       Or perhaps who should know?

16          A.       Who should know? We should all know.  
17      But, no, I don't know.

18          Q.       And do you know how it was that it  
19      came about that the fee was changed from the flat  
20      fee tot he percentage?

21          A.       We were informed by our billing

1 clearinghouse, USBI, that it should be based on a  
2 percentage. And so that was switched, and they  
3 are in charge of doing that for us now.

4 Q. I am going to hand you a document  
5 titled, "Order to Show Cause and Notice of  
6 Opportunity for Hearing."

7 A. Okay.

8 Q. Initially, if you could, just scan  
9 through it, please.

10 A. All right.

11 Q. Have you ever seen this document  
12 before?

13 A. Yes.

14 Q. Approximately when did it come to your  
15 attention?

16 A. Last week, maybe.

17 Q. You had not seen it before that time?

18 A. No.

19 Q. Were you aware that such a document  
20 existed before last week?

21 A. No.

1           Q.     Have you discussed the Order to Show  
2 Cause with anyone?

3           A.     No.

4           Q.     Have you heard anyone at Business  
5 Options talk about the Order to Show Cause?

6           A.     Not specifically this document, no.

7           Q.     You were thinking of something. What  
8 was it?

9           A.     The case itself, but not anything  
10 specifically in the document.

11          Q.     What about the case do you recall  
12 having been discussed?

13          A.     When it was brought to my attention  
14 that we were going to be called in to testify,  
15 who was called in, what we were responsible for,  
16 things to that effect.

17          Q.     Do you recall any discussion about the  
18 specifics of the charges that were made against  
19 Business Options?

20          A.     Yes.

21          Q.     What is it that you recall?

1           A.     That --

2                   MR. HAWA:  Objection.  You should ask  
3     about who she talked to and make sure it's not  
4     counsel.

5           Q.     Right.  I should limit that to people  
6     other than your counsel.

7           A.     Oh, no.

8           Q.     So the only conversations you have had  
9     about the specifics, have been with your counsel?

10          A.     Um --

11          Q.     And by your counsel, I mean counsel  
12     for the company.

13          A.     Right, yes.

14          Q.     All right.  I won't go there, then.

15                   MR. HAWA:  Could we take a five-minute  
16     break?

17                   MR. SHOOK:  Sure.

18                   (A short break was taken.)

19                   MR. HAWA:  Jim, could you ask your  
20     last question again.

21                   MR. SHOOK:  I am trying to remember

1     what it was.

2                   MR. HAWA:  Has she talked to anyone  
3     about the case.

4                   MR. SHOOK:  Oh, okay.

5                   MR. HAWA:  Other than counsel.

6                   BY MR. SHOOK:

7           Q.     Have you talked to anybody about the  
8     case, other than counsel?

9           A.     Yes, I have.

10          Q.     Who was that?

11          A.     I have talked to Shalanda Robinson,  
12     Gayle Perry and Keanan Kintzel.

13          Q.     We will take them one at a time.  What  
14     do you recall having discussed is Shalanda?

15          A.     Basically that the "pick-freeze" is  
16     what her and I are in charge of, you know, that  
17     delivery is in charge of; how nervous we were;  
18     comments like that.

19          Q.     With respect to "pick-freezes," had  
20     there been a change in company policy within the  
21     last six months in terms of how "pick-freezes"

1 are handled?

2 A. Yes.

3 Q. What change has occurred?

4 A. The list of customers that have  
5 dropped off -- we produce them, and we have hired  
6 two people to go ahead and try to win them back.  
7 So they are actually out on the sales floor  
8 calling them back, asking them, "What was wrong?  
9 Would you like to get back on? We have this  
10 other rate plan."

11 Q. What was the policy before that time?

12 A. Before, we would put them back on our  
13 service.

14 Q. Do you know whose -- where that idea  
15 originated from where you would simply put  
16 somebody back on the service after they had  
17 dropped off?

18 A. I don't know specifically if it was  
19 Keanan or Kurtis.

20 Q. Are you aware of whether or not that  
21 was appropriate?

1           A.     We realize it now. At the time, we  
2     figured -- we didn't think that there was a  
3     problem.

4           Q.     Your understanding was at the time  
5     that customers were put back on automatically, if  
6     you will, that that was okay?

7           A.     Right. We figured if they had any  
8     concerns or any problems, they could have  
9     contacted us, you know, they could contact our  
10    customer service department.

11          Q.     So the people who were put back if you  
12    noticed that they had left Business Options, but  
13    had not contacted Business Options to state that  
14    they were going to do so?

15          A.     Correct, that's right.

16          Q.     The next person that you spoke to was  
17    Gayle Perry?

18          A.     Perry, yes.

19          Q.     What did you speak with her about?

20                 MR. HAWA: Gayle is the woman I told  
21    you about on Monday who now has an executive

1     role, and we can make her available to talk to  
2     you.

3                     MR. SHOOK:   Right.

4             A.       Basically the same concerns.   How I  
5     was nervous, worried.   Things like that.

6             Q.       And with Keanan, what did you talk  
7     about?

8             A.       Same thing.   What is it that we did;  
9     how I would have to let you know that I was in  
10    charge of division five, which was verifications  
11    at the time; and division four, which was  
12    delivery and the "pick-freeze" clause; and  
13    division three -- just things that were related  
14    to my areas.

15            Q.       With respect to verifications, how  
16    long have you been in charge of that area?

17            A.       Since I became the vice president of  
18    operations, which would be two and a half years  
19    ago.

20            Q.       At the time you became in charge, was  
21    there only one entity used by Business Options



1 for verification purposes, or more than one?

2 A. Just one.

3 Q. What was the name of that one?

4 A. I believe when I started, it was Great  
5 Lakes Verification.

6 Q. And did there come a time when that  
7 name changed?

8 A. The company itself changed. It was  
9 A&M Verifications.

10 Q. And did it change again after that?

11 A. I believe after that, it was Great  
12 Lakes again; and then F&G.

13 Q. When the change occurred from A&M to  
14 Great Lakes, was that simply a name change, or  
15 was there actually a change in terms of who was  
16 in charge of the verification company?

17 A. There was an actual change in who was  
18 in charge.

19 Q. With respect to A&M, who was in charge  
20 at that point?

21 A. Anthony Lowe -- Tony Lowe.

1 Q. And who was in charge after he left  
2 the picture?

3 A. Great Lakes would have been Keanan,  
4 and I was basically the senior to the area.

5 Q. Now, what did that actually entail for  
6 you in terms of being senior in that area?

7 A. I was just making sure they had tapes,  
8 they had their verification scripts. I got their  
9 stats at the end of the day. Just general stuff,  
10 admin stuff like that.

11 Q. Roughly how long a period of time was  
12 it that this situation existed in terms of Great  
13 Lakes and your involvement?

14 A. I couldn't tell you.

15 Q. Well, let me see if I can clarify the  
16 picture in my own mind.

17 Roughly two and a half years ago, I  
18 think you had indicated that the first entity  
19 involved when you became vice president of -- was  
20 it operations?

21 A. Yes.

1 Q. Was Great Lakes?

2 A. Yes.

3 Q. And at that point in time, do you know  
4 who was in charge of Great Lakes?

5 A. No. I know I came in; I took the  
6 post, and that was the name on the verification  
7 scripts: "Hi, we're calling from Great Lakes  
8 Verifications." That's the extent of it.

9 Q. And did you have any responsibility  
10 for what the verification scripts looked like?

11 A. No. I was responsible for making sure  
12 that they had them. But if any changes were  
13 happening, they needed to be approved by Kurtis  
14 and/or Keanan.

15 Q. Do you know who was in charge of Great  
16 Lakes Verifications at that point?

17 A. No.

18 Q. And then there came a time when A&M  
19 was the verification company?

20 A. Right.

21 Q. Was A&M located in the same physical

1 space that Great Lakes had been in?

2 A. Yes.

3 Q. And then you mentioned, I think,  
4 Anthony Lowe?

5 A. Uh-huh.

6 Q. And he was the person in charge of  
7 A&M?

8 A. Yes, he was the owner and the  
9 president, yes.

10 Q. Did he have any role at Business  
11 Options?

12 A. No. No, he was his own separate  
13 entity.

14 Q. Were there any employees at A&M that  
15 were common to either Business Options or U.S.  
16 Bell?

17 A. No.

18 Q. So the A&M employees were separate  
19 from U.S. Bell employees?

20 A. Yes, they were A&M employees.

21 Q. Now, going back to earlier when Great

1 Lakes was the verification company, was there any  
2 commonality between the employees of Great Lakes  
3 and U.S. Bell?

4 A. Yes, they were basically the same  
5 employees.

6 Q. So the situation changed when A&M  
7 became the verification company?

8 A. Yes.

9 Q. Now, after A&M stopped being the  
10 verification company, you indicated Great Lakes  
11 came into the picture again?

12 A. From my understanding, they went back  
13 to the original script, and it read Great Lakes  
14 Verification, and that's how it came back.

15 Q. Do you know who it was that was in  
16 charge of the verification company after Anthony  
17 Lowe left the picture?

18 A. Who was in charge? Ida was. Ida  
19 Irizarry.

20 Q. And she was a U.S. Bell employee, too?

21 A. Yes.

1 Q. And, ultimately, there came a time  
2 when there was another transition to F&G, right?

3 A. Yes.

4 Q. Was F&G located in the same physical  
5 space as Great Lakes had been in?

6 A. Yes.

7 Q. Do you know who was in charge of F&G?

8 A. Alan Furmankiewicz.

9 Q. Was there another individual -- or you  
10 knew about Mr. Furmankiewicz, and him alone?

11 A. I knew about him. Ida was still in  
12 charge as director working there. But, yes.

13 Q. Was it your understanding that Ida was  
14 still either a U.S. Bell or Buzz employee at that  
15 time?

16 A. Yes, she was.

17 Q. And then there came a time when F&G  
18 was no longer used as the verification company?

19 A. Right.

20 Q. And it's now The Verification Company?

21 A. The Verification Company, yes.

1           Q.     And that took place about three months  
2     ago?

3           A.     No.    That took place a couple of weeks  
4     ago.

5           Q.     Do you know why the change was made?

6           A.     We needed the separate, third-party  
7     verification.

8           Q.     I mean, that was the understanding  
9     that you had as to why the change took place?

10          A.     Right.

11          Q.     Do you have any role in the  
12     preparation of balance sheets or other financial  
13     statements?

14          A.     No.    I'm in charge of the treasury  
15     division, but I don't prepare those.

16          Q.     You might provide the raw data that  
17     would be used for the preparation of such a  
18     document?

19          A.     Everything is basically stored in  
20     Quick Books, so you can run reports out of there.  
21     So that's what treasury division does, balance

1 sheets, or if they need some information from the  
2 general ledger, or something to that effect.

3 Q. Okay. So it takes place in an area  
4 that's under your responsibility, but you  
5 personally don't have anything to do with it?

6 A. I mean, I don't personally run them.  
7 Keanan is more in charge of the books. He has  
8 more -- I'm not very knowledgeable in that area.  
9 So Keanan works with treasury.

10 Q. So in other words, if Keanan wanted a  
11 balance sheet, he would ask for --

12 A. Or he could run it himself. I mean,  
13 he has access to Quick Books.

14 Q. Do you know whether or not he has  
15 actually done that?

16 A. I don't know.

17 Q. Let's say for the sake of discussion  
18 that Keanan did not run such a report, do you  
19 have any knowledge as to who, other than Keanan,  
20 might have run such reports?

21 A. It could have been the accountants